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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,793	10/12/2001	Andrew David Deller	ORCL-2000-156-01	2194

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EXAMINER

LONSBERRY, HUNTER B

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/976,793	Applicant(s) DELLER ET AL.	
	Examiner Hunter B. Lonsberry	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 12/12/05 have been fully considered but they are not persuasive.

Applicant argues that Kaiser fails to disclose nor suggest transmitting interactive television information, but rather a directed to a reproducing apparatus (page 10).

Regarding applicants argument, Kaiser clearly shows in figure 1, that data is transmitted to a user device 1300 from devices 1800 and 1500 (column 5, lines 32-54, column 8, lines 1-44).

Applicant argues that Kaiser fails to teach compiling business data into a binary form, that Kaiser instead is directed to action resource data including instructions to the reproducing apparatus (page 10).

Regarding applicant's argument, Kaiser discloses that the business data may be HTML, XML, SGML pages, scripts and programs stored on storage 1600 (column 5, lines 59-column 6, line 8). As provider 1500 is an HTTP server and the HTTP protocol is utilized via the Internet (column 5, lines 51-55) the data must be in a binary format as HTTP is a digital format.

Applicant argues that Kaiser does not disclose nor suggest a script authoring tool at the transmission side, that an authoring tool is not required to load or run an XML page, neither is XML required in claim 1, (page 10).

Regarding applicant's argument, Claim 1 requires generating a script using a script-authoring tool. The examiner agrees that an authoring tool may not be required to run or load an XML page (but is required in order to create one), neither is an XML page required in claim 1. Kaiser teaches generating a script using a script-authoring tool (see column 11, line 62-column 12, line 5, figure 5). Scripts are generated and transmitted to a user so that a user may request information or purchase a product. These scripts could be HTML pages, XML pages, CGI scripts, or programs, client side scripts etc. Kaiser inherently includes an authoring tool, as an authoring tool is required for a programmer to design a script which is utilized to load or run an XML page. Without an authoring tool, HTML pages, XML pages, CGI scripts, or programs, client side scripts etc cannot be created.

Applicant argues that claim 7 requires processing requests within a script to download, but instead utilizes a trigger and receiving the business data compiled into binary form (pages 11-12).

Regarding applicants argument, processing requests within the script to map an item of the business data into a position within an authored page template (column 9,

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line 44-column 10, line 7, the user creates the request), wherein a video presentation of the business data is presented to the user (figure 6c, column 11, line 62-column 12, line 54). Further these scripts may be HTML pages, XML pages, CGI scripts, or programs, client side scripts. Since the user initiates the request via data embedded in the page (script), Kaiser does in fact teaching processing requests within a script.

Additionally, Kaiser discloses that the business data may be HTML, XML, SGML pages, scripts and programs stored on storage 1600 (column 5, lines 59-column 6, line 8). As provider 1500 is an HTTP server and the HTTP protocol is utilized via the Internet (column 5, lines 51-55) the data must be in a binary format as HTTP is a digital format.

Applicant argues that the Office Action admits that Kaiser does not explicitly teach improving the access speed to the business data. Even if Kaiser does teach improving the access speed inherently, Kaiser does so as admitted by the Examiner through using business data as XML. Claims 3 and 16 do not use business data as XML. (pages 12-13).

Regarding applicant's argument, the Examiner agrees that claims 3 and 16 do not require the use of XML as business data. However, Kaiser teaches that the business data may be XML data (column 5, lines 59-64). Kaiser inherently teaches improving the access speed to the business data as XML is validated on the server side prior to transmission to the client device, thus the browser on the client side accesses the data more quickly as it needs not validate the content nor does it need to convert

the XML to displayable HTML. Therefore, Kaiser teaches each and every aspect of claims 3 and 16.

Applicant argues that the Office Action admits that Kaiser does not explicitly teach reducing the size of the business data. Even if Kaiser does teach reducing the size inherently, Kaiser does so as admitted by the Examiner through using business data as XML. Claims 4 and 17 do not use business data as XML. (page 13).

Regarding applicant's argument, the Examiner agrees that claims 4 and 17 do not require the use of XML as business data. However, Kaiser teaches that the business data may be XML data (column 5, lines 59-64). Kaiser inherently reduces the size of the business data as XML auto formats the display of the content, one set of content can be displayed multiple ways with the content and the structure being independent from one another. In particular, in figures 6c and 6d, Kaiser shows a set of XML content 6400, which is formatted in two different ways. Therefore, Kaiser teaches each and every limitation of claims 4 and 17.

Applicant's failure to properly traverse the Official Notice(s) taken in the previous action is taken as admission of prior art.

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 7-9, 11-21, and 23-26 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,615,408 to Kaiser.

Regarding claim 1, Kaiser discloses a method for transmitting interactive television information over a television broadcast (column 5, lines 33-49, video and data may be transmitted via broadcast), comprising:

compiling business data into a binary form (stored HTML, XML, or SGML pages column 5, lines 59-63), the business data comprising descriptions of products (column 10, lines 1-8, figure 6a);

generating a script using a script authoring tool (column 11, line 62-column 12, line 5, figure 5, scripts are generated and transmitted to a user so that a user may request information or purchase a product, Kaiser inherently includes an authoring tool, as an authoring tool is required for a programmer to design a script which is utilized to load or run an XML page); and

streaming the compiled business data and the script to a receiver for

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generating video information for a user's television (column 7, lines 37-50, WebTV or STB with TV), wherein the receiver uses the script to access the compiled business data and generate a presentation of the products for the user (column 8, line 29-column 10, line 8, figure 6a).

Regarding claims 2, 11, 12, 15, and 23, Kaiser discloses that the business data is compatible with a version of XML (column 5, lines 59-64).

Regarding claim 3 and 16, Kaiser discloses that the business data may be XML (column 5, lines 59-64). Kaiser inherently teaches improving the access speed to the business data as XML is validated on the server side prior to transmission to the client device, thus the browser on the client side accesses the data more quickly as it needs not validate the content nor does it need to convert the XML to displayable HTML.

Regarding claim 4 and 17, Kaiser discloses that the business data may be XML (column 5, lines 59-64). Kaiser inherently reduces the size of the business data as XML auto formats the display of the content, one set of content can be displayed multiple ways with the content and the structure being independent from one another. In particular, in figures 6c and 6d, Kaiser shows a set of XML content 6400, which is formatted in two different ways.

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Regarding claim 5, Kaiser discloses that the receiver may be a STB (column 5, line 41).

Regarding claim 7, Kaiser discloses a method for receiving interactive television information and providing interactive television to user , comprising:

Processing requests within a script to download business data (figures 5, 6a column 9, lines 32-46, column 10, lines 1-8),

Receiving business compiled data into a binary form (stored HTML, XML, or SGML pages column 5, lines 59-63, column 6, lines 14-19), the business data comprising descriptions of products (column 10, lines 1-8, figure 6a);

Processing requests within the script to map an item of the business data into a position within an authored page template (column 9, line 44-column 10, line 7), wherein a video presentation of the business data is presented to the user (figure 6c, column 11, line 62-column 12, line 54).

Regarding claim 8, Kaiser discloses processing a request within the scrip to map a 2d array of business data into a 2da array location within the authored page template (figure 6c, column 10, line 51-column 11, line 3).

Regarding claim 9, Kaiser discloses processing a request within the script to construct a message containing business data, based on user action (column 8, line 44-

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64, column 9, lines 48-53, column 10, line 51-64 column 12, lines 29-48, a user requests for information on a product or to purchase a product); and

Transmitting the selection to a transaction server (column 9, lines 46-56), the transaction server implementing a transaction in accordance with the user action (column 9, lines 46-65, column 12, lines 29-54).

Regarding claims 13, 18, 19, and 24, Kaiser discloses that the data and script may be transmitted via a broadcast network (column 5, lines 33-49).

Regarding claim 14, Kaiser discloses a system for transmitting interactive television information over a television broadcast (column 5, lines 33-49, video and data may be transmitted via broadcast), comprising:

A server 1500 having a processor coupled to a memory 1600 (figure 1, the server inherently includes a processor as a processor is required to handle requests, transmit data and access databases), the memory having computer readable code which when executed by the processor to perform a method (column 5, line 55-column 6, line 8) comprising:

compiling business data into a binary form (stored HTML, XML, or SGML pages column 5, lines 59-63), the business data comprising descriptions of products (column 10, lines 1-8, figure 6a);

generating a script using a script authoring tool (column 11, line 62-column 12, line 5, figure 5, scripts are generated and transmitted to a user so that a user may

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request information or purchase a product, Kaiser inherently includes an authoring tool, as an authoring tool is required for a programmer to design a script which is utilized to load or run an XML page); and

streaming the compiled business data and the script to a receiver for generating video information for a user's television (column 7, lines 37-50, WebTV or STB with TV), wherein the receiver uses the script to access the compiled business data and generate a presentation of the products for the user (column 8, line 29-column 10, line 8, figure 6a).

Regarding claim 20, Kaiser discloses a system (figure 1) for receiving interactive television information and providing interactive television to user , comprising:

A receiver 1300 having a processor coupled to memory (column 7, lines 37-50, a general PC or WebTV, both of which contain processors coupled to memory), the memory having computer readable code which when executed by the processor causes the receiver to perform a method comprising:

Processing requests within a script to download business data (figures 5, 6a column 9, lines 32-46, column 10, lines 1-8),

Receiving business compiled data into a binary form (stored HTML, XML, or SGML pages column 5, lines 59-63, column 6, lines 14-19), the business data comprising descriptions of products (column 10, lines 1-8, figure 6a);

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Processing requests within the script to map an item of the business data into a position within an authored page template (column 9, line 44-column 10, line 7), wherein a video presentation of the business data is presented to the user (figure 6c, column 11, line 62-column 12, line 54).

Regarding claim 21, Kaiser discloses receiving a selection of one of the product descriptions from the user (column 8, lines 44-56, column 9, lines 44-61, column 12, lines 29-42), transmitting the selection to a transaction server (column 12, lines 55-65), the transaction server for implementing a transaction in accordance with the selection (column 12, lines 55-65).

Regarding claim 25, see claim 8.

Regarding claim 26, see claim 9.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 6, 10, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,615,408 to Kaiser.

Regarding claims 6, 10, and 22, Kaiser discloses that the receiver may be a computer or WebTV (column 7, lines 37-50), in communication with a computer network or internet (column 5, lines 45-54).

Kaiser fails to disclose if the business data is transmitted to the receiver using a modem.

The examiner takes official notice that the use of a modem to transmit data to a receiver is notoriously well known in the art. Modems provide a low cost hardware interface to a network.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Kaiser to utilize a modem to transmit business data to the receiver, for the advantage of providing a low cost hardware interface to a network.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 571-272-7298. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HBL

A handwritten signature in black ink, appearing to read "HAITRAN", with a horizontal line drawn underneath it.

**HAITRAN
PRIMARY EXAMINER**